



CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
<u>MARCH 8, 2004</u> February 7, 2004 Date	<u>Steven L. Highlander</u> <i>GWA S. H. H. H.</i>

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Jeffrey A. BLUESTONE

Serial No.: 10/067,104

Filed: February 4, 2002

For: METHODS AND COMPOSITIONS FOR
PROMOTING IMMUNOPOTENTIATION

Group Art Unit: 1644

Examiner: Dibrino, Marianne

Atty. Dkt. No.: TOLT:006USD4

DECLARATION OF JEFFREY A. BLUESTONE UNDER 37 C.F.R. §1.132

Commissioner for Patents
Washington, D.C. 20231


I, Jeffrey A. Bluestone, do declare that:

1. I am a United States citizen residing at 283 12th Ave San Francisco, CA 94118.
2. I am the Jeffrey A. Bluestone named as an inventor on the above-captioned application.
3. I am the Jeffrey A. Bluestone named as author on "Tumor Specific Immunity Augmented by Anti-CD3 Treatment," 19th International Symposium of The Princess Takamatsu Cancer Research Fund, Tokyo, Nov. 1988.

1. 4. The other authors on that publication – Raphael Hirsch and Joshua Ellenhorn – contributed to the related research as follows. Raphael Hirsch was a post-doctoral fellow in my laboratory at the National Institutes of Health in Bethesda, Maryland. Dr. Hirsch is named as an author on this paper because he carried out *in vivo* activation studies using the anti-CD3 mAb in mice. However, Dr. Hirsch did not take part in the conception of any of the subject matter disclosed and claimed in the referenced patent application. Joshua Ellenhorn was a surgical fellow in my laboratory. Dr. Ellenhorn is named as an author on this paper because he carried out studies within the tumor model by transplanting tumor tissue in mice and then treating the mice with the anti-CD3 mAb. However, Dr. Ellenhorn did not take part in the conception of any of the subject matter disclosed and claimed in the referenced patent application and all studies performed by Dr. Ellenhorn that relate to the present invention were done under my direction and control.

5. I hereby declare that all statements made of my own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date 3/5/04



Jeffrey A. Bluestone, Ph.D.